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Security Council

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Letter dated 1 October 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 1 October 2004, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 1 October 2004 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

In paragraph 16 of resolution 1051 (1996), the Director General of the International Atomic Energy Agency (IAEA) is requested to submit consolidated progress reports every six months to the Security Council, commencing 11 April 1996,* on the IAEA's verification activities in Iraq pursuant to paragraphs 12 and 13 of United Nations Security Council resolution 687 (1991) and related resolutions.

Since 17 March 2003, IAEA has not been in a position to implement its mandate in Iraq under resolution 687 (1991) and related resolutions. Given the adoption of resolution 1546 (2004) by the Security Council, on 8 June 2004, IAEA's understanding remains that its mandate pursuant to those resolutions continues to be valid until the Council decides otherwise. Until such time, IAEA remains ready, subject to Security Council guidance and the prevailing security situation, to resume its Security Council-mandated verification activities in Iraq.

During the period covered by this report, IAEA has continued to consolidate, restructure and further analyse information collected through the activities implemented since 1991, with the objective of identifying lessons learned; securing data in paper and electronic archives for improved future access and maintenance of knowledge; and developing approaches for future nuclear verification in Iraq in view of past experience and the evolving situation. The origin of the information obtained with respect to Iraq during the reporting period remains principally open sources and commercial satellite imagery of locations of interest to IAEA. In order for IAEA to complete the assessment of Iraq's past nuclear programmes and capabilities, as contemplated in the relevant Security Council resolutions, it is essential that the Agency be provided by all States with any information that could be of relevance to that task.

As a result of its ongoing review of satellite imagery acquired on a regular basis and follow-up investigations, the IAEA continues to be concerned about the

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* The previous consolidated reports of the Director General of the International Atomic Energy Agency were circulated as documents: S/1996/261 of 11 April 1996; S/1996/833 of 7 October 1996; S/1997/297 of 11 April 1997; S/1997/779 of 8 October 1997; S/1998/312 of 9 April 1998; S/1998/927 of 7 October 1998; S/1999/393 of 7 April 1999; S/1999/1035 of 7 October 1999; S/2000/300 of 11 April 2000; S/2000/983 of 11 October 2000; S/2001/337 of 6 April 2001; S/2001/945 of 5 October 2001; S/2002/367 of 16 April 2002; S/2002/1150 of 16 October 2002, S/2003/422 of 14 April 2003; S/2003/993 of 14 October 2003; and S/2004/285 of 13 April 2004. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the Security Council presidential statement dated 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999 contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100). Following the resumption of the IAEA's Security Council-mandated activities in Iraq in November 2002, the Council requested several updates. IAEA provided these updates in the form of a report (S/2003/95, dated 27 January 2003) and oral statements to the Security Council by the Director General (on 19 December 2002, 9 and 27 January 2003, 14 February 2003 and 7 March 2003). Finally, the work programme of the International Atomic Energy Agency in Iraq pursuant to Security Council resolution 1284 (1999) was provided to the Security Council on 20 March 2003 (S/2003/342).

widespread and apparently systematic dismantlement that has taken place at sites previously relevant to Iraq's nuclear programme and sites previously subject to ongoing monitoring and verification by the Agency. The imagery shows in many instances the dismantlement of entire buildings that housed high precision equipment (such as flow forming, milling and turning machines; electron beam welders; coordinate measurement machines) formerly monitored and tagged with IAEA seals, as well as the removal of equipment and materials (such as high-strength aluminium) from open storage areas.

As indicated previously to the Security Council, IAEA, through visits to other countries, has been able to identify quantities of industrial items, some radioactively contaminated, that had been transferred out of Iraq from sites monitored by the Agency. However, none of the high-quality dual-use equipment or materials referred to above has been found. As the disappearance of such equipment and materials may be of proliferation significance, any State that has information about the location of such items should provide IAEA with that information.

In this context, it is recalled that items listed in annex 3 of the IAEA's ongoing monitoring and verification plan (see S/2001/561) are to be reported to IAEA by Iraq and by the exporting/importing States when imported by or exported from Iraq, in accordance with the export-import mechanism approved by the Security Council in its resolution 1051 (1996). In addition, pursuant to the ongoing monitoring and verification plan, Iraq is obliged to declare semi-annually changes that have occurred or are foreseen at sites deemed relevant by the Agency. The Agency has received no such notifications or declarations from any State since the Agency's inspectors were withdrawn from Iraq in March 2003, although the materials and equipment referred to above are relevant to annex 3.

As reported in my letter of 6 July 2004 (S/2004/538), IAEA was informed by the United States Government that 1.8 tons of uranium enriched to 2.6 per cent in uranium-235 and some additional 3 kilograms of uranium of various low enrichments, together with approximately 1,000 highly radioactive sources, had, with the consent of the Interim Iraqi Government, been removed from Iraq and transferred to the United States of America. Pursuant to Iraq's Safeguards Agreement with the Agency, on 3 and 4 August 2004, IAEA carried out its annual physical inventory verification of the remaining 550 tons of nuclear material in Iraq located at the location C nuclear material storage facility near the Tuwaitha complex south of Baghdad. The Agency inspectors were able to verify the presence of the nuclear material subject to safeguards.

Following the transfer of responsibility and authority for governing Iraq to the Interim Government of Iraq on 30 June 2004, the Minister of Science and Technology of Iraq, Rashad M. Omar, visited IAEA in July 2004 and discussed, inter alia, matters related to the implementation of the relevant Security Council resolutions. This was followed by a series of letters and a visit to IAEA in September 2004 by an Iraqi delegation from the Ministry, in the course of which Iraq submitted a number of requests for assistance. Specifically, Iraq requested: IAEA assistance in the sale of the remaining nuclear material at Tuwaitha (with the exception of a small quantity to be retained for research purposes); IAEA assistance in the dismantlement and decontamination of former nuclear facilities; and the resumption of the provision of IAEA assistance under a number of technical cooperation projects that had previously been approved by the Security Council

Committee established pursuant to resolution 661 (1990), but which had been put on hold following the suspension of inspections in December 1998. The Agency is assessing the possibility of providing such assistance.

I should be grateful if you would arrange for the present letter to be distributed as a document of the Security Council.

(*Signed*) Mohamed **ElBaradei**

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Security Council

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4 October 2004

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Report of the Secretary-General on the Sudan pursuant to paragraph 15 of Security Council resolution 1564 (2004) and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraph 15 of Security Council resolution 1564 (2004) of 18 September 2004 and paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004) of 30 July 2004.

II. Security

2. In paragraph 1 of its resolution 1556 (2004), the Security Council called upon the Government of the Sudan to fulfil immediately all of the commitments it had made under the joint communiqué of 3 July (2004) (S/2004/635, annex) and to establish credible security conditions for the protection of the civilian population and humanitarian actors in Darfur. In August, the Government and the United Nations and partners, meeting in the framework of the Joint Implementation Mechanism, agreed on a Plan of Action for the month of August. The Plan was the initial instrumentalization of the joint communiqué. The Plan laid out the initial steps for the Government to take towards the restoration of full security throughout Darfur. In particular, these steps were designed to create security for those who had fled their homes owing to attack by militia, including the Janjaweed. As I indicated in my report of 30 August (S/2004/703), an initial areas concept was developed based on the acknowledgement that if restoration of security could not be achieved all at once, then it would be necessary to start somewhere and improve thereafter.

3. Following the meetings of the Joint Implementation Mechanism in July and August, which were covered in my report of 30 August 2004, the Joint Implementation Mechanism met again on 17 September. The following conclusions were reached:

(a) The August Plan of Action might remain the basis for policy in the coming months, provided that further steps were taken towards full security in Darfur;

(b) Progress towards full security implied that achievements thus far would be maintained and improved upon. There was to be no reversal;

04-53513 (E) 081004

(c) Regarding the concept of the initial areas, this meant that there could be no trade off between security in the initial areas and security elsewhere in Darfur.

4. At the meeting of the Joint Implementation Mechanism on 17 September, the United Nations and partners reiterated that those initial areas could not be seen as final. Further steps towards security in Darfur should not consist of expanding those areas or in designating other so-called "safe areas", but in overall measures to increase security in the Darfur region as a whole. For the coming months this would imply:

(a) No attacks by Government forces on the civilian population;

(b) No further breaches of the N'Djamena ceasefire by Government forces;

(c) The Government is to take action to stop others, such as the Janjaweed militia, attacking civilians;

(d) Should the Government be unable, owing to a lack of capacity, to stop the militia, the Government shall request additional international assistance to fulfil its responsibility in this regard.

In the meeting of the Joint Implementation Mechanism on 17 September, the Government promised once again not to commit further breaches of the ceasefire. The Government also stated that it would welcome international assistance, in particular more forces from the African Union (AU), to carry out more tasks, over and above the monitoring of the ceasefire. In the view of the United Nations and partners, this would require not only more AU monitors but also a broader mandate (a) to monitor proactively the implementation of all obligations and commitments; (b) to mediate where conflicts threaten to occur; and (c) to deter attacks by their wider presence, thereby providing a degree of protection to civilians.

5. In recognition of the fact that the Government's military forces were accused of participating in the original attacks, it was agreed in the Plan of Action that within the initial areas, the army was to be redeployed out of contact with the civilian population. Instead security in those areas was to be provided by the police. The Government has deployed extra police to the initial areas, producing a beneficial effect on security both within, and in the area directly surrounding the camps for internally displaced persons identified under the Plan of Action.

6. As I described in paragraph 27 of my report of 30 August 2004, an agreement was reached between my Special Representative and the Government in order to ensure that movement of Government forces under the Plan of Action would neither conflict with the terms of the N'Djamena ceasefire agreement, nor increase the chances of clashes between those forces and Sudan Liberation Movement and Sudan Liberation Army (SLM/A) forces. Under the agreement, if Government armed forces encountered SLM/A forces in the course of making the designated initial areas safe and secure, the Government agreed to order its forces to avoid contact, and withdraw when attacked. However, it became clear towards the end of August that the agreement was not being fully implemented by Government armed forces' commanders on the ground. The result was an increase in clashes between Government and rebel forces in some of the initial areas. The 26 August 2004 incident involving an air attack, which I referred to in paragraph 25 of my report to the Council on 30 August 2004, also referred to in paragraph 1 of Security Council resolution 1564 (2004), and covered in the September report of the AU Ceasefire

Commission, is one among several clashes between the Government and rebel forces inside the initial areas, apparently resulting from a breakdown in Government command and control.

7. At the fifth meeting of the Joint Implementation Mechanism, on 17 September, the Government proposed three new areas it would make safe and secure around the camps for internally displaced persons at Kass, Kutum and Zallingi, in Southern, Northern and Western Darfur, respectively. My Special Representative reiterated to the Government that it was not new areas or an extension of existing areas that were needed. Following the end of the initial 30-day period, new steps were required to move towards conditions of full security in Darfur, as outlined in paragraph 3 above. Meanwhile, the Joint Implementation Mechanism co-chairs (my Special Representative and the Minister for Foreign Affairs of the Sudan) agreed that before considering the idea of new areas, the problems described above relating to clashes in the initial areas should be resolved. At the sixth meeting of the Joint Implementation Mechanism, on 24 September, the Government, the United Nations, AU and the AU Ceasefire Commission discussed the earlier commitment of the Government to refrain from contact with the armed groups within the initial areas. All present agreed on the need to harmonize the joint communiqué and the N'Djamena ceasefire agreement in terms of interpretation and the practical steps taken to implement these agreements on the ground. The following procedure was designed to avoid situations where actions taken pursuant to the joint communiqué and Security Council resolutions 1556 (2004) and 1564 (2004) might lead to a breach of the N'Djamena ceasefire agreement:

(a) Within the areas to be made safe and secure by the Government under the Plan of Action, the Government would not move forces into the territory that was under the control of SLM/A and Justice and Equality Movement (JEM);

(b) When it was in doubt as to which areas were under the control of SLM/A and JEM, the Government would seek clarification from the AU Ceasefire Commission before moving forces;

(c) The Ceasefire Commission, on the basis of information that would remain confidential, would provide a "go" or "no-go" advisory to the Government;

(d) The decision by the Ceasefire Commission would be delivered in a timely fashion;

(e) In each case when the Ceasefire Commission issued a "no-go" advisory, the Government would communicate this to my Special Representative. My Special Representative would take this information into account in his reports to the United Nations.

8. The above procedure was agreed in principle by all parties present in the meeting of the Joint Implementation Mechanism of 24 September. However, at the same meeting, the Government emphasized that unless SLM/A and JEM abided by their commitments under the N'Djamena agreement — to identify the sites occupied by their forces — it would be impossible for the Government to implement the agreement it had made with the United Nations on movement in the initial areas. The United Nations received clarification of the Government's position on 26 September, when it stated that it could not agree to the procedure outlined above owing to the failure on the part of SLM/A and JEM to meet their obligations under the N'Djamena agreement. There was some disagreement over a section that was

handwritten into a final N'Djamena draft regarding cantonment of the rebel forces. The United Nations and partners, together with the African Union and the Ceasefire Commission, emphasized that because this section was not recognized as the authoritative version of the N'Djamena text, and as it was certainly not recognized as such by SLM/A and JEM, the prospect of cantonment should be dealt with at another time.

9. As mentioned in paragraph 3 above, it has been understood all along by all participants in the Joint Implementation Mechanism that progress in security in the initial areas should not be accompanied by a deterioration of security in other areas. However, the month of September saw security deteriorate in other parts of Darfur, especially Northern Darfur. Much of the information my Special Representative received on clashes, attacks, hijackings, banditry and tribal conflict originated from reports by people on the ground, namely, non-governmental humanitarian organization workers and United Nations staff. Of course, most of these people are fully occupied with the hugely demanding task of delivering relief; they are not professional monitors. However, while it was not always possible thoroughly to cross-check every report, it is nevertheless possible to perceive a pattern in the information received.

10. It is clear that the ceasefire is not holding in many parts of Darfur. Clashes were reported from 8 to 12 September at Sayyah, north of Al Fasher, and Government-aligned militia attacked SLA at Abu Dalek on 7 September. On 11 September, mortars were fired at Golo, east Jebel Mara, by Government soldiers. The mortar rounds, which did not explode, were aimed at the centre of Golo, suggesting that the attack was intended to intimidate civilians or possibly function as a pretext for a reaction (in self-defence) against rebel forces based nearby. An unprovoked attack by Government soldiers took place on the village of Nortig on 28 August. Huts were burned, several persons were injured and the village bore hole was deliberately sabotaged in what seemed to be an attempt to render the village uninhabitable. Another attack occurred on 12 September in Umm Kaddadah, south-east of Al Fasher. An SLA attack on Millit, Northern Darfur, another on Jabir-Um-Hosh village and another on a police position in Medo, Northern Darfur, were reported on the same day. Further SLA attacks on police posts were reported on 14, 15, 17, 18, 19 and 22 September. The attack on police in Ghubayash village, Western Kordofan, in the last week of September indicates that these violations may not remain confined to Darfur.

11. Attacks against civilians by militia also continued during September. A mixed force of uniformed men and militia attacked villages around the area of Greda, Southern Darfur, killing approximately 100 people between the end of August and the beginning of September, causing a wave of new internally displaced persons. A Janjaweed attack in Abdousalaam village, Western Darfur, was reported on 28 August, and the Janjaweed reportedly attacked internally displaced persons between Thur and Nyala in Southern Darfur on 14 September. Cases of harassment and beatings were reported by internally displaced persons and locals around Kebkebiya in mid-September. Cases of attacks by uniformed men and abductions of young women were also reported in September. On 11 September, the AU Ceasefire Commission found acts of abduction, assault, killing and the collection of unlawful taxes carried out by a militia in the Dar Essalam region.

12. Banditry and random violence are on the increase. A woman was killed on 12 September when a passenger bus was fired upon by a Government soldier 13 kilometres north of Al Fasher, Northern Darfur. On 9 September, two non-governmental organizations personnel were confronted by armed bandits who tried to stop their vehicle. On 12 September, at Kilakil, Southern Darfur, a World Food Programme truck was stopped by bandits and looted. A similar incident occurred on 14 September on the road from Nyala to Kass. On 21 September, a United Nations agency convoy was brought to a halt 25 kilometres east of Umm Kaddadah, Northern Darfur, by shots from mounted bandits, who looted the trucks and robbed drivers of their belongings. Inter-tribal fighting between Bergid and Rizeigat tribes occurred in early and mid-September.

13. It is not easy to read a clear pattern from the incidents listed above. However, the following trends emerged:

(a) Breaches of the ceasefire by both sides continued. So long as the reports of the AU Ceasefire Commission for this period have not been submitted, it is not possible for me to apportion blame. There were attacks and counter attacks, revenge and retaliation;

(b) So far as SLA is concerned, the attacks tended to be against the police rather than the military;

(c) So far as the Government is concerned, attacks involving helicopter gunships occurred, but were less frequent towards the end of September;

(d) So far as the militia is concerned, after some atrocious acts in the first week of September, there were fewer such attacks towards the end of the month;

(e) There was a widespread increase in banditry. This was carried out by groups possibly splitting from either of the parties. One of their motivations might be a lack of food.

14. Today, ever increasing numbers of the population of Darfur are exposed, without any protection from the Government, to hunger, fear and violence. The numbers affected by the conflict are growing and their suffering is being prolonged by inaction. In a significant proportion of the territory the security conditions have worsened. In September the Government was not able to fulfil its responsibilities and commitments to protect the people of Darfur. In the words of paragraph 1 of Security Council resolution 1556 (2004), the Government failed to establish credible security conditions for the protection of the civilian population and humanitarian actors.

Disarmament of the Janjaweed and other armed militia and outlaw groups

15. In its resolution 1564 (2004), the Security Council expressed its grave concern at the lack of progress on disarmament. The commitment by the Government to disarm the militia, which continued to pose a serious threat to the civilian population, goes back to the N'Djamena Humanitarian Ceasefire Agreement of 8 April 2004. It was included in the joint communiqué and is a central demand of the Security Council, in paragraph 6 of resolution 1556 (2004).

16. Following the instances of disarmament noted in paragraph 19 of my report of 30 August 2004 (S/2004/703), no information has been submitted by the Government on a methodology or time frame for disarmament, nor has there been evidence of any further disarmament action. The Government promised, on 27 August, to hand over to the AU Ceasefire Commission the serial numbers of the weapons collected, together with the keys to their containers. This has not yet been done. As mentioned in my report, the Government had committed itself to a policy of reducing the Popular Defence Forces by 30 per cent. However, in the meeting of the Joint Implementation Mechanism on 17 September, the Government noted that an increase in ceasefire violations by the rebel forces was retarding the process. The Government also stated that there should be a link between the disarmament of the militia and the cantonment of SLA and JEM, suggesting that while the latter was not possible, the most that it could do was to ask the militia forces to exercise restraint or to lay down their arms.

17. Since my report of 30 August 2004, there seems to have been no verifiable and concrete progress on this critical issue. I conclude that the Government has not fulfilled its commitments and obligations on disarming the militia as laid out in paragraph 6 of resolution 1556 (2004).

18. In my report of 30 August 2004, I stressed that a comprehensive programme of disarmament, demobilization and reintegration was urgently needed, and that unless such programmes were developed and implemented quickly, the disarmament and demobilization of the fighters could itself become a source of insecurity. At the meeting of the Joint Implementation Mechanism on 17 September, the Government announced that details of a plan to set up a commission to collect weapons would be forthcoming in time, but so far no such plan has been presented to us. A comprehensive, mutual programme of disarmament, demobilization and reintegration will have to be agreed upon in the framework of negotiations between the Government and SLM/A and JEM.

Impunity and confidence-building

19. In my previous report, the measurement of progress by the Government to fulfil its obligations to end impunity was obscured by the inconsistent position it took regarding the degree of control it exercised over the militia responsible for attacks on civilians. Some perpetrators of common crimes were arrested, but the Government said it could not act against those alleged to have violated international humanitarian law unless it had their names. In a renewed effort to explain its lack of progress in fulfilling the obligation to end impunity, in the meeting of the Joint Implementation Mechanism on 17 September, the Government attributed this failure to the strength of traditions governing conflicts between tribes in the Darfur region, under which individual offenders were not rendered for punishment to agencies outside the tribe. Instead, the tribe offered restitution, often in the form of compensation, for the crimes of one of its members to the tribe of the victim or victims. Any extra-tribal agency, be it AU, the United Nations or the Government, that took action to hold an individual from a tribe accountable would be seen as confronting the entire tribe. Rather than continue what it saw as futile attempts to impose an "alien" system of justice centred on the principle of individual accountability, the Government announced plans to launch a new round of inter-tribal reconciliation meetings and to take steps to strengthen local administration in

an effort to build confidence and promote the role of traditional leaders and methods within the judicial system.

20. The international community cannot allow ambiguity over the extent of Government control or expedient interpretations of local custom to deflect the pressure that is on the Government to fulfil its obligations and show concrete progress in ending impunity. The Security Council heard recently from my Special Adviser on the Prevention of Genocide and the United Nations High Commissioner for Human Rights how crucial it was for the Government to address itself to this issue of impunity with the utmost urgency, and my Special Representative continued to remind the Government of its obligations under resolution 1556 (2004). In his view, only very few perpetrators, at a very low level of responsibility, had so far been arrested and tried. He emphasized that the Government would have to address itself to the issues of impunity in a more effective way than it had done so far. Traditional approaches to reconciliation may have a useful role to play as part of confidence-building following a first round of prosecutions. However, any steps of this nature taken by the Government should be seen as complementary to the internationally recognized approach, rather than an alternative to it.

21. Impunity among members of the armed forces remains a concern. In paragraph 8 of its resolution 1564 (2004), the Security Council called upon all Sudanese parties to take the necessary steps to ensure that violations reported by the AU Ceasefire Commission were addressed immediately and that those responsible for such violations were held accountable. Despite information in the reports of the Ceasefire Commission that clearly identifies individuals from the armed forces as responsible for ceasefire violations and offences under international humanitarian law, the Government has taken only minimal steps towards military or criminal prosecution. According to the Government, five individuals belonging to the police and army have been arrested and are awaiting sentencing in separate cases for crimes of torture, murder, attempted rape and rape. In the two cases of human rights violations brought to justice, one case was dismissed and in the other the accused were acquitted. We have received no information on Government action to hold accountable those responsible for ceasefire violations.

22. In paragraph 12 of its resolution 1564 (2004), the Security Council asked me to establish an international commission of inquiry immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties. As provided for in that resolution, the investigations will be guided by the following aims: (a) to investigate reports of violations of international humanitarian law and human rights law by all parties; (b) to determine whether or not acts of genocide have occurred; (c) to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable. I can report that the appointment of the commission is imminent.

Humanitarian situation and operations in Darfur

23. The 90-day United Nations humanitarian action plan for Darfur outlined the response to the humanitarian situation planned by United Nations agencies, intergovernmental and non-governmental organizations over a 90-day period from 1 June to 31 August 2004. Most of the needs targeted in the 90-day plan were met during the month of August. The benchmarks and targets in various sectors set by

United Nations sector coordinators working in collaboration with non-governmental organization partners were based on needs and gaps in humanitarian assistance as identified in the Darfur humanitarian profile of June 2004. In the food sector, agencies assisted approximately 950,000 individuals, compared with a targeted conflict-affected population of 1.2 million to date. On shelter and non-food items, assistance has been provided to approximately 780,000 people against a targeted population of 1 million. Interventions in the water sector almost entirely met the targets of 750,000 conflict-affected people. Interventions in the sanitation and primary health-care sectors exceeded the targets outlined in the 90-day plan.

24. However, the situation has deteriorated since the objectives in the above-mentioned plan were set. There are more displaced people than previously thought. New arrivals to some camps number in the tens of thousands. That means that although the targets have been met and although the absolute number of displaced people assisted has increased, the percentage receiving assistance has not.

25. The Darfur humanitarian profile for August estimates that out of more than 1.8 million people affected by the conflict in Darfur (an increase of 340,000 since 1 August), just over half were provided with shelter and non-food items, roughly half were provided with food and had access to primary health services and less than half had access to clean water, i.e. about 40 per cent, the same figure for those covered by sanitary interventions.

26. The latest data suggests that earlier fears that the numbers of conflict-affected people in Darfur could rise to 2 million are close to being realized. The increase is primarily a result of improved humanitarian access to remote areas and SLM/A controlled territory, which led to the identification of more internally displaced and other conflict-affected persons. Also, more people are being displaced because of continued attacks. The rising numbers of internally displaced persons are putting increasing pressure on host communities and some people are spontaneously moving into the camps in search of food. The number of conflict-affected people could rise above 2 million if continuation of the civil war causes further displacement and reduction of food production capacity in Darfur.

27. In general, the Government has continued to fulfil its commitments under the joint communiqué regarding humanitarian access, allowing the humanitarian community substantially to increase its operations. There have been substantial reductions in the time required to obtain clearances for aircraft arriving in the Sudan for use in United Nations humanitarian activities. The current average period of one week to 10 days, however, still causes delays for the delivery of assistance to vulnerable populations. Humanitarian agencies significantly increased their presence in September. There are currently over 40 international non-governmental organizations, Red Cross missions and United Nations agencies operating in Darfur, 15 organizations are in the process of establishing their operations and an additional 5 have registered to work in the region. It had been estimated that the number of international personnel needed to respond to this crisis would be 800 to 1,000 experienced staff. At the beginning of September, the total number of United Nations and international non-governmental organizations staff in Greater Darfur was about 700 international and 5,000 national (programme and project staff only). The increased capacity of agencies on the ground has greatly enhanced the ability of humanitarian organizations to overcome the difficult conditions faced during the rainy season.

28. Whereas humanitarian assistance has previously been mainly confined to urban areas and five internally displaced persons camps, humanitarian access is now expanding with assessment and delivery activities reaching out to those in need in isolated areas. However, these improvements have been checked by increased banditry (which has had a direct impact on United Nations and non-governmental organizations staff and operations), and an upsurge in clashes between the Government forces, their allied militia and the SLM/A forces. Security incidents involving clearly marked humanitarian convoys during September forced the United Nations to impose security restrictions on strategic routes it uses for access to internally displaced persons and other vulnerable populations. Checkpoints erected on some of these routes by both SLA and the Government have contributed to the obstruction of humanitarian operations in Darfur. More than 10 per cent of the conflict-affected people in Darfur are currently inaccessible owing to insecurity of access.

29. Humanitarian assistance is beginning to flow into areas under SLM/A control and further assessments are currently ongoing in these areas, indicating a substantial number of conflict-affected persons in need of assistance. SLM/A does not offer complete freedom of access, as shown by recent detentions of humanitarian aid workers by SLA forces. On 16 September the Humanitarian Coordinator for the Sudan visited the SLM/A controlled area in Northern Darfur to discuss arrangements for SLM/A to facilitate humanitarian access to those areas. He submitted a draft paper outlining principles, ground rules and a notification procedure for humanitarian agencies. This paper is fully compatible with the protocol on humanitarian issues recently agreed to, but not yet signed, in Abuja. It is currently being considered for approval by SLM/A.

30. The donor response so far has been generous, but insufficient. In August, the United Nations revised its humanitarian requirements for the response in Darfur and Chad to a total of $534 million. To date, donors have contributed $299 million; a little over half of the requirement. I note a disturbing lack of urgency on the part of donors regarding this shortfall. While issues of protection and support to the AU mission are attracting more attention, assistance in these areas must not be seen as an alternative to humanitarian support. There can be no trade-offs in support across these sectors, where success in one is dependent on progress in another. Just as improvements in security may improve conditions for humanitarian operations, a stable humanitarian situation is a precondition for a political solution to the crisis in Darfur.

Returns

31. In a memorandum of understanding between the Government and the International Organization for Migration (IOM) signed on 21 August, the Government agreed to accept IOM determination on the voluntariness and appropriateness of returns, and agreed that no returns would take place unless international standards were met. A management and coordination mechanism was set up to ensure common standards for inter-agency assistance to the returns process. The first meeting of the core group of the mechanism took place on 18 September 2004. At this first meeting, the mechanism approved two documents on voluntary return of internally displaced persons in Darfur and on the terms of reference of the core group of the mechanism.

32. Reports of forced movement, relocation or return, as well as pressures brought to bear on the internally displaced persons to return, have decreased considerably. However, there are also problems related to spontaneous gatherings of displaced people. For instance, in one recent case in Northern Darfur, the Government took action to relocate such a group without consultation with IOM or the United Nations. The United Nations will continue to monitor the situation and raise the issue of relocation of spontaneous settlements in the management and coordination mechanism.

33. Owing to continuing uncertainty with regard to security conditions in areas of return, the overwhelming majority of internally displaced persons still say that they do not plan to return to their villages any time soon.

Human rights and protection

34. United Nations agencies on the ground have received fewer reports of security problems inside internally displaced persons camps and settlements. Even so, as confirmed by the United Nations High Commissioner for Human Rights and my Special Adviser on the Prevention of Genocide in their visits to Darfur in September, in terms of the perceptions of internally displaced persons, protection remained the priority issue. Many of the displaced people coming from rural areas not yet reached by humanitarian assistance reported continued harassment and violence. For the displaced people registered and living in camps, security remains the overriding concern. While there are more police on the ground, their impact on the security situation remains limited by an almost total lack of confidence on the part of the displaced, who do not distinguish the police from the uniformed attackers who drove them from their villages. Moreover, the experience of many displaced has been that police take no action when transgressions such as rape, sexual harassment and looting are brought to their attention. The eight United Nations human rights monitors have received reports of harassment and intimidation by Government security officials against the displaced and others who have spoken to international organizations or visiting officials.

35. In my report of 30 August 2004, I noted with concern that members of the militia guilty of attacks on civilians were being recruited into official State security organizations, and indicated the need for a vetting process to prevent this. As noted by the United Nations High Commissioner for Human Rights during her visit to Darfur in late September, there are reports of Janjaweed being absorbed into formal Sudanese security forces, including those tasked to protect internally displaced persons in their camps. More police are being deployed, but their quality should also be improved. That means, according to the joint communiqué, that the Government will have to deploy a police force that is not only strong, but also credible and respected. To that end, United Nations agencies have started a programme of human rights training for the police. It appears that the police are responsive to this training. However, it is too early to expect this programme to show results on a large scale and in general police in Darfur do not yet approach these standards. Unfortunately, even given these improvements, the sense of distrust I described in paragraph 32 above is too strong for these solutions to be sufficient. As I stated in my report, given what happened in the past, rebuilding confidence in State security services self-evidently cannot be done by the Government alone, but will require the assistance of the international community.

36. The Government has issued a decree that removes a legal obstacle to victims of sexual assault receiving medical treatment, an issue I raised in my report of 30 August 2004. Victims of sexual assault have been required under law to first obtain a police report before receiving medical treatment. The new decree appears to remove this obstacle for victims needing medical treatment following a sexual assault or rape. My Special Representative and the staff of the United Nations High Commissioner for Human Rights will follow up this measure to see that it is implemented in accordance with international human rights standards.

37. Security problems inside the camps, together with continuing displacement and lack of security preventing internally displaced persons returning to their homes are combining to have a disturbing psychological effect on the displaced. The growing level of exasperation and anger among displaced populations is of great concern. So far, the camps have remained civilian in character with weapons hardly ever seen or used. However, there are indications of increased political mobilization in some camps. Such a movement would be in a good position to feed off the anger and frustration of the displaced with potentially disastrous results for the future. These early signs of a possible mobilization of the displaced should be taken as a warning that the time available to take concrete steps to meet the concerns of the displaced on security and rights of return may be growing short. The longer the displaced are forced to wait for security in the camps and in the areas for return, the greater the risk that chances for successful reconciliation and confidence-building will diminish, potentially leading to even more violence. Steps must be taken to reassure the displaced that their rights in their places of origin will be protected.

38. The deployment of civilian police monitors into the camps to conduct joint patrols with the Sudanese police would go some way to improving security for the internally displaced persons, and may obviate the need for them to look elsewhere for the protection they currently feel to be lacking. In the meeting of the Joint Implementation Mechanism on 17 September, the Government approved of the proposal to deploy elements of the AU mission in the camps, a position echoed by the Minister for Foreign Affairs of the Sudan in his address to the Security Council at its 5046th meeting on 30 September.

39. Following the visit of the United Nations High Commissioner for Human Rights to Darfur, her office intends to deploy more human rights officers to Darfur in order to improve monitoring and to assist the Government in compliance with its obligations to protect the human rights of its people. Initially the number of monitors will be doubled to 16, with further increases planned for the future.

Darfur peace process

40. In both the joint communiqué and the Plan of Action, the Government promised to resume the political talks on Darfur to reach a comprehensive solution acceptable to all parties in the conflict. Political talks between the Government and the rebel movements began on 23 August at Abuja under the auspices of Olusegun Obasanjo, President of Nigeria, the current Chairman of AU. The United Nations participated as an observer and acted to support the mediation effort. The agenda, which was agreed upon on the second day of the talks, included four items: humanitarian, security, political and socio-economic issues.

41. The parties agreed on a text for humanitarian access, which would include a commitment by the parties to take all necessary measures to prevent all attacks, threats, intimidation and any other form of violence against civilians by any group including the Janjaweed. The agreement would reaffirm the need to protect the rights of internally displaced persons and refugees in their areas of origin to enable them to return, should they choose to do so. Any forces or individuals reported to be involved in the violation of the rights of the displaced, vulnerable groups and other civilians would be investigated under a transparent process and held accountable to the appropriate authorities. The parties would agree to form an implementation mechanism, the Joint Humanitarian Facilitation and Monitoring Unit, made up of representatives of the Joint Commission, the AU mission and any other representatives of the international community invited by AU. This Unit would report monthly to the Joint Commission on progress made and difficulties encountered. The parties declined to sign this agreement pending agreement on the three remaining protocols. However, at the fifth meeting of the Joint Implementation Mechanism, on 17 September 2004, the Government agreed to act as if this protocol had been signed. SLM/A is considering doing the same, but has yet to inform us of its final decision.

42. When I submitted my report on 30 August 2004, negotiations on a security text were ongoing. A wide division between the positions of the parties was apparent at the talks at Abuja. The Government was reluctant to move beyond the N'Djamena agreement or to make concessions on issues deemed important by the other parties. SLM/A and JEM seemed to expect gains to come more from action outside the negotiations and their proposals demanded far more than the Government was ready to accept. Finally, SLM/A and JEM asked for a recess to enable them to brief their colleagues outside the talks and the security protocol remains on the table pending resumption of the negotiations on 24 October.

43. Following talks that took place at Asmara in early August between representatives of the United Nations, SLM/A and JEM, my Special Representative met with the Secretary-General of SLM, Mini Arkoi Minawi, along with a number of other senior SLM officials and a representative of JEM at Asmara on 20 September 2004. During the talks, both groups reaffirmed their commitment to the ceasefire. They agreed to consider our request that they act as if the humanitarian protocol agreed to at Abuja had been signed. My Special Representative will follow up on this and other issues in future meetings, which the groups agreed they will hold on a more regular and a systematic basis. Regular direct contact with the leadership of the movements is desirable in order to consolidate the contacts with the SLM/A and JEM commanders on the ground. These contacts also help to clarify positions and to put pressure on these parties to maintain the ceasefire and to take a constructive stance in the negotiations.

44. Contacts at the field level in Northern Darfur have so far been based on humanitarian issues, but we must build on the work in September by encouraging all parties to engage in a wider, deeper and more substantially productive dialogue towards a political solution to the problems in Darfur. In the meeting on harmonization of agreements on 24 September, the AU Ceasefire Commission agreed to approach SLM/A and JEM with an invitation to attend future meetings to discuss with the Government, the United Nations, AU and the Ceasefire Commission problems relating to implementation of ceasefire agreements and other commitments of the parties in agreements concerning peace and security in Darfur.

North-south peace process

45. In paragraph 5 of its resolution 1564 (2004), the Security Council urged the Government and Sudan People's Liberation Movement/Army (SPLM/A) to conclude a comprehensive peace accord expeditiously. In mid-September my Special Representative requested SPLM/A Chairman John Garang and First Vice President Ali Osman Taha to restart talks by the end of September if possible. First Vice President Taha agreed, but because Chairman Garang was travelling during the latter part of that month, the parties are now expected to meet from 7 to 9 October, with talks set to continue at a technical level for at least six weeks thereafter. The Government has confirmed that any coincidence with the month of Ramadan would not affect the schedule for technical talks. I would like to stress again my firm conviction that the conclusion of a comprehensive north-south peace agreement is a sine qua non for the resolution of the Darfur conflict. In paragraphs 15 to 20 of my report of 28 September 2004 to the Council pursuant to resolution 1547 (2004) of 11 June 2004 (S/2004/763), I gave a full account of progress in the north-south peace process.

African Union mission in Darfur

46. As I indicated in my report of 30 August 2004, it is generally agreed that the initial deployment of the AU mission has been useful, but that the mission's effectiveness has been constrained by its small size as well as logistical challenges. It was generally agreed that an international observer presence with a protection element, if sufficiently widespread, would ameliorate the security situation in Darfur. This in turn would facilitate the delivery of humanitarian assistance and, beyond that, the return of internally displaced persons in time for the next planting season. On 7 September 2004, President Obasanjo, in his capacity as current Chairman of AU, informed me of his decision to strengthen the AU presence in Darfur. He added that substantial support would be required from the international community in order to implement this decision, a point he reiterated in his statement to the Security Council at its 5043rd meeting on 24 September.

47. My Special Representative met the AU Commissioner and members of the Peace and Security Council at Addis Ababa on 21 September 2004. At the meeting, we emphasized that following resolution 1564 (2004), AU was now firmly in the driving seat on the Darfur peace process. My Special Representative urged the Commissioner to meet as soon as possible with the Government to discuss implementation of the new mandate in time to allow the expansion of the deployment to start in October.

48. In my report of 30 August 2004, I informed the Council that a team of experts, working in collaboration with the AU Commission, had developed a plan for an expanded AU mission in Darfur. In addition to Darfur-based activities, the plan also included requirements for strengthening the capacity of AU headquarters to manage and direct a challenging field mission. Having carried out further analysis and adjustments to the plan, the AU Commission will soon submit proposals for an expanded mission to the AU Military Staff Committee, and then to the Peace and Security Council for discussion. It is anticipated that the mandate of the Peace and Security Council will reflect the importance of an observer mission that is proactive, mobile and widespread.

49. Alpha Oumar Konaré, Chairperson of the AU Commission, and I have been encouraging potential partners to provide the funding, equipment and other resources required by AU to expand its mission in Darfur. It is critical that AU receive the full and practical support of the international community as they undertake this enormous responsibility.

50. United Nations assistance to the efforts of AU to expand the mission in Darfur is moving ahead in four areas:

(a) At the request of the AU Commission, I am establishing a United Nations Assistance Cell to provide further technical assistance and to enhance AU/United Nations cooperation. Recruitment for this Cell is already under way, including military, police and logistics experts. This Cell will provide a more suitable basis for the ad hoc assistance that has been extended to date;

(b) The United Nations is offering assistance to AU as it engages in the process of selecting police for the mission;

(c) The United Nations advance mission in the Sudan is establishing four offices in Darfur which will facilitate liaison and cooperation in the field. A United Nations military liaison officer has already been attached to the AU Ceasefire Commission headquarters at Al Fasher, Northern Darfur;

(d) The United Nations has offered to assist with a pledging conference to mobilize support for an expanded AU mission.

51. On 28 and 29 September, my Special Representative held talks at Brussels with high-level officials of the European Union (EU) and with Commissioners Chris Patten and Poul Nielson, as well as with Javier Solana, Secretary-General of the EU Council. In these talks my Special Representative urged EU to give full political, financial and logistical support to the AU mission.

52. I have been asked by the Security Council, in paragraphs 14 and 15 of its resolution 1564 (2004) to report on the extent of cooperation by the Government with the extension and expansion of the AU mission in Darfur. The Government, in letters to the Council of 9 and 17 September, welcomed AU plans for an expanded mission. In the fifth meeting of the Joint Implementation Mechanism, on 17 September 2004, the Government reiterated its acceptance of an expanded mandate for a larger AUMIS deployment in Darfur. In his address to the Council on 30 September, the Minister for Foreign Affairs of the Sudan expressed in positive terms his Government's acceptance of a rapid expansion of the AU mission in the Sudan in terms of size, speed of deployment and broadening of the monitoring mandate.

III. Concluding observations

53. In my report of 30 August 2004, I stated that certain measures taken by the Government had resulted in some progress. In the month of September this progress was not reversed. I also stated that in other areas, which are key for progress towards full security, the Government had not fully met its obligations. These areas included in particular the implementation of the ceasefire, the stopping of attacks on the civilian population, the disarmament of the militia and the prosecution of the perpetrators of the atrocities. In these areas no further progress was made during the

month of September. That means that this month can, at best, be perceived as a period of consolidation of what had been achieved earlier. I urge the Government to fulfil all of its obligations and commitments relating to the key issues on which no progress was achieved during this month.

54. September could, depending on events expected in the coming month, come to be seen as a period of transition. I note that the Government has declared that it will meet the requirements set out in Security Council resolution 1564 (2004), and that it will fully cooperate with both the United Nations and AU to ensure its implementation. It goes without saying that implementing Security Council resolutions is obligatory. The consolidation of the earlier commitments, together with this new one, lays the basis for real progress, both in terms of security and at the negotiating table.

55. The most important step to be taken in the coming weeks is beginning the deployment of the expanded AU force. That force needs to be sizeable. It needs to be speedily deployed. It also needs to be a force with a mandate that goes well beyond overseeing the N'Djamena ceasefire. There are many tasks to be fulfilled that are not directly related to insecurity resulting from clashes between the Sudanese army and the SLM/A. Examples include: ensuring protection of the rights of internally displaced persons and refugees in their areas of origin, including preventing others from occupying their land and seizing their property; the safety of displaced persons in the camps and safe and voluntary return of refugees and displaced persons to the areas of origin; monitoring the behaviour and actions of the police; disarming fighters, including the Popular Defence Forces, the Janjaweed and other militia. Crucially, their presence would constitute a buffer between the civilian population and possible attackers. If one or more of these tasks remain unfulfilled, an unstable situation, unsustainable peace or even no peace at all will result.

56. All this requires a broad mandate. All this is necessary. It is all related to the protection of civilians. This is a task for the Government, but it cannot be left to the Government alone. Too much has happened; too much confidence has been lost. A third party is needed, and that can only be AU. It can help to protect people by being present over a wide area, by being seen and by acting as a deterrent.

57. The second important issue to be addressed in the month ahead concerns the political talks between the Government and SPLM/A. In my report of 28 September 2004 (S/2004/763), I listed the reasons why these negotiations are crucial also for the solution of the conflict in Darfur. If successful, resumption of the north-south talks will contribute to the attainment of a political solution in Darfur at the talks due to resume at the end of October. The outcome of the north-south process, i.e. peace, a new constitution, a federal structure for the State, national differentiation, and a broad-based Government, can serve as a model for Darfur. The north-south process is a double-edged sword: success goes far beyond the north and south; failure will endanger the Sudan as a whole and also the region. All parties should invest all their political energy in reaching a final result in these talks. It now seems, after more than a decade of talking, waiting and betting on two horses, that this is a last chance, a final one. So the international community should ensure the momentum is sustained, that it gives the right signals to the parties, forcefully, united in one voice.